

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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AM, a Minor Individual; ARLENE
MACHUCA, as Parent and Guardian of
AM, a Minor,

Plaintiff,

v.

CLARK COUNTY SCHOOL DISTRICT, a
Political Subdivision of the State of Nevada;
JUSTIN DIMITRI KNIGHT, an Individual;
and DOES II-X, Unknown Persons or
Entities,

Defendants.

Case No. 2:24-cv-001065-CDS-EJY

ORDER

Pending before the Court is Plaintiffs' Amended Motion to Extend Time for Service on Defendant Justin Dimitri Knight ("Knight"). ECF No. 21. Plaintiffs' second request alternately seeks 45 and 60 additional days to serve Knight by publication. *Id.* at 1:24; 2:21. Despite this inconsistency, the Court finds service by publication is appropriate.

I. Discussion

Federal Rule of Civil Procedure 4(e)(1) states, in relevant part, that service of an individual may be accomplished by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located" Nevada Rule of Civil Procedure 4.4 allows for service on individuals by alternative means, including by publication. Nev. R. Civ. P. 4.4(c). Service by publication is appropriate when due diligence demonstrate service cannot be accomplished by ordinary means. Here, as explained in Plaintiffs' original Motion and in the instant request, numerous attempts to locate and serve Knight have failed. The Court finds Plaintiffs establishes due diligence.

II. Order

Accordingly, and based on the foregoing, IT IS HEREBY ORDERED that Plaintiffs' Amended Motion to Extend Time for Service on Defendant Justin Dimitri Knight (ECF No. 21) is GRANTED.

IT IS FURTHER ORDERED that Plaintiffs must serve Defendant Knight through publication in Nevada and California using the proposed language stated on page five of Plaintiffs' instant Motion.

IT IS FURTHER ORDERED that Plaintiffs must publish in newspapers or periodicals in each state in which the publication of service will occur that are reasonably calculated to give Defendant Knight actual notice of these proceedings. The East Bay Express and Nevada Legal News meet this definition.

IT IS FURTHER ORDERED that Plaintiffs must place the publication in the East Bay Express and Nevada Legal News for four consecutive weeks at the conclusion of which service will be deemed effective.

IT IS FURTHER ORDERED that Plaintiffs are granted through and including **January 6, 2025** to complete service by publication.

IT IS FURTHER ORDERED that Plaintiffs must file a status report with the Court upon completing service by publication detailing compliance with this Order.

Dated this 7th day of November, 2024.


ELAYNA J. YOUCHAH
UNITED STATES MAGISTRATE JUDGE